

CJC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Magistrate Docket No. FEB 108 AMB Q24 41

Plaintiff,

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

v.

COMPLAINT FOR VIOLATION OF:

Guillermo DIAZ,

Title 8, U.S.C., Section 1326

DEPUTY

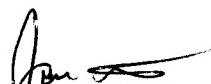
Deported Alien Found in the
United States

Defendant

The undersigned complainant, being duly sworn, states:

On or about **February 14, 2008** within the Southern District of California, defendant, **Guillermo DIAZ**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15th DAY OF FEBRUARY
2008.



Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Guillermo DIAZ**PROBABLE CAUSE STATEMENT**

On February 14, 2008 Senior Patrol Agent J. Gonzales was performing his assigned duties in the Imperial Beach Border Patrol Station area of operations. At approximately 7:15 a.m., Agent Gonzales was notified via service radio of four individuals walking north of the United States/Mexico International Boundary in an area known as "Goat Canyon". This location is located approximately five miles west of the San Ysidro, California Port of Entry and approximately two-hundred yards north of the United States/Mexico International Boundary.

Agent Gonzales arrived and after a brief search was able to locate two individuals. Agent Gonzales approached the two individuals and identified himself as a United States Border Patrol Agent. Agent Gonzales questioned each of the individuals as to their immigration status. Both individuals, including one subject later identified as the defendant **Guillermo DIAZ**, stated that they were citizens and nationals of Mexico without any immigration documents allowing them to enter or remain in the United States legally. Both individuals were placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on March 1, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States.